

REMARKS

The Applicants do not believe that examination of the response contained herein will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the response contained herein be entered in and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated November 4, 2005 has been received and considered by the Applicants. Claims 1-59 are pending in the present application for invention. Claims 1-59 are rejected by the November 4,

The Final Office Action rejects Claims 1-2, 4-11, 13-25, 27-29, 31-38, 40-52 and 54-59 under the provisions of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,553,221 issued to Reimer et al. (hereinafter referred to as Reimer et al.). The rejection alleges that Reimer et al. discloses all the elements of the rejected claims.

The MPEP at §2111.01 states that while "the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004)."

The MPEP at §2111.01 further states that "words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)."

The MPEP at §2111.01 further quotes that court in stating that the "ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, 376 F.3d 1382, 75 USPQ2d 1321 (Fed. Cir. 2005) (*en banc*)."

The Applicants respectfully point out that the term "prompting is defined by the American Heritage dictionary of the English language, Third Edition as (1) to move to act, spur, incite; (2) to give rise to, inspire; (3) to assist with a reminder, remind; or (4) to assist by providing the next words of a forgotten message. The foregoing

definitions are the plain meaning of prompting. The Applicants, respectfully, assert that the Examiner has read the term "prompting" in an unreasonable manner. The foregoing definitions are consistent with the ordinary and customary meanings that a person of ordinary skill in the art in would supply to the term "prompting". The Examiner in the rejection asserts that the term "prompting" reads on the disclosure by Reimer et al. for a menu structure on col. 16, lines 58-61. The use of a menu requires the user to initiate an action; which is the complete opposite of the definition to the term "prompting". There is no disclosure or suggestion within Reimer et al. for "prompting for user input". The rejection attempts to apply a definition to the term prompting that: (1) does not move to act, spur, or incite; (2) does not to give rise to or inspire; (3) does not assist with a reminder or remind; and (4) does not assist by providing the next words of a forgotten message. Reimer et al. do not disclose or suggest prompting for user input if the query needs to be recast after ascertaining if the query needs to be recast. Therefore, this rejection is traversed.

The Final Office Action rejects Claim 3, 12, 30 and 39 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Reimer et al. in view of U.S. Patent No. 6,766,320 issued in the name of Wang et al. (hereinafter referred to as Wang et al.). The Examiner states that Wang et al. disclose a query system in a *video processing system* that uses the internet. The Applicants, respectfully, point out that the teaching of Wang et al. pertains to queries for a search engine and not a video processing system. The rejected claims define subject matter for a video processing system including a query keyed to a segment of the video content wherein the video processing system is operating in a stand-alone mode. The rejection combines a search engine the employs a user query that is not in any way, manner or form related to video. The word video does not even exist within the four corners of Wang et al. The Applicants assert that the rejection does not create a proper combination.

The MPEP at §2143.01 points out that the "mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The rejection's rationale for making the combination is merely hearsay and conjecture on the part of the Examiner. The rejection does not

provide any suggestion of the desirability for the combination made in the Final Office Action from the references themselves as required.

The MPEP at §2143.01 further states that a "statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art" at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)." The rejection's rationale for making the combination is merely hearsay and conjecture on the part of the Examiner. The rejection does not provide any suggestion of the desirability for the combination made in the Final Office Action from the references themselves as required.

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Wang et al. do not disclose or suggest any potential, or desirability, for the natural language user query based search engine to be used for video processing. The search engine of Wang et al. is intended to provide any type of queries from complex sentence structures to simple keyword searches. The intended purpose of Wang et al. is to be able to a search engine that can accommodate these types of queries from complex sentence structures to simple keyword searches. The combination of Wang et al. with the personalized movie presentation system of Reimer et al. would render Wang et al. unsatisfactory for its intended purpose for accommodating queries for complex sentence structures because the system of Reimer et al. pertains to simple queries. Therefore, there is no suggestion or motivation to make the proposed modification of Wang et al.

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The search engine of Wang et al. is intended to provide any type of queries from complex sentence structures to simple keyword

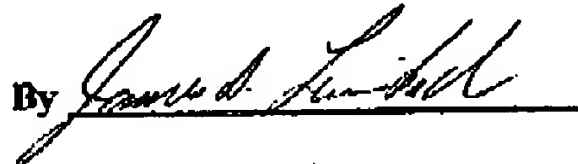
searches. The purpose of Wang et al. is to accommodate queries from complex sentence structures to simple keyword searches. The combination of Wang et al. with the personalized movie presentation system of Reimer et al. would change the principle of operation of render these references. Reimer et al. is not intended to operate within queries formed from complex sentences and Wang et al. is not intended to be used in a system that uses only simple key words or key phrases. Accordingly, the rejection does make a *prima facie* case of obviousness.

The Office Action rejects Claims 26 and 53 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Reimer et al. in view of U.S. Patent No. 6,061,056 issued in the name of Menard(hereinafter referred to as Menard). Claims 26 and 53 depend from previously discussed claims that are believed to be allowable and further narrow and define those claims. Therefore, Claims 26 and 53 are also believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

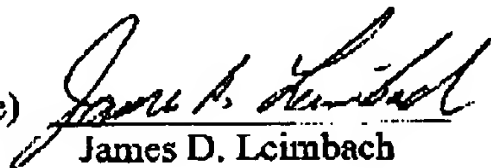
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